

The 16th/18th February, 1987

**No. 9/4/87-6Lab./146.**—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Nibro Ltd., Delhi Road, Gurgaon :—

**BEFORE SHRI S. B. AHUJA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD**

**(CAMP AT GURGAON)**

**Reference No. 141 of 1983**

*between*

**THE MANAGEMENT OF M/S NIBRO LTD., DELHI ROAD, GURGAON AND ITS WORKMEN  
C/O SHRI SHARDA NAND, GENERAL SECRETARY, GURGAON ENGG., WORKERS  
UNION (AITUC) GURGAON**

**Present:—**

Shri Sharda Nand, for the workmen.

Shri M. P. Gupta, for the management.

#### **AWARD**

In exercise of the powers conferred by clause (d) of sub-section (1) or section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the management of M/s Nibro Ltd., Delhi Road, Gurgaon and its workmen to this Tribunal for adjudication:—

Whether the workmen are entitled to the grant of bonus @ 20% for the year 1981-82 ?

If so, with what details ?

2. Notices were issued to both the parties. The parties appeared.

3. The workmen in their claim statement alleged that they have been paid bonus at the rate of 8.33% of their wages though they were entitled for bonus at the rate of 20% during the year 1981-82.

4. The management controverted the stand of the workman in its written statement. It was pleaded that the Company was running in losses and there were no allocable surplus to pay more bonus to the workmen. The plea was also taken that the workmen are estopped by their act and conduct to claim higher bonus. The plea was also taken that the dispute is not sponsored by substantial number of workmen and that the present reference is not proper and maintainable because the financial year of the company is from January to December whereas the reference for bonus has been made for the year 1981-82.

5. On the pleadings of the parties, the issues were settled by my predecessor on 17th December, 1984. The parties led evidence. The Authorised Representative of the workmen has now made statement to the following effect :—

Statement of Shri Sharda Nand, Representative of the workmen on S. A.

“The financial year of the Company is from January to December whereas the reference for bonus has been made for the year 1981-82. The reference made by the Govt. is not proper. Hence the workmen withdraw the present reference and shall move appropriate authority for making fresh reference for bonus for calendar year 1981. Hence it is prayed that the present reference be dismissed as withdrawn.”

6. The Authorised of the Management has no objection if the workmen were permitted to withdraw the reference.

7. In view of the statement made by the learned Authorised Representatives of the parties, the present reference is dismissed as being not maintainable and proper reference. The workmen shall be at liberty to move Appropriate Authority for making fresh reference. The award is passed accordingly.

Dated 27th November, 1986.

**S. B. AHUJA,**  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

Endst. No. 788, dated 28th November, 1986.

Forwarded (four copies) to the Financial Commissioner & Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of Industrial Disputes Act 1947.

**S. B. AHUJA,**  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.